

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

A.E.S.E., a minor child, and EUSEBIO DANIEL SABILLON PAZ, her father,

Plaintiffs,

V.

UNITED STATES OF AMERICA,

Defendant.

Case No. 2:21-cv-00569-RB/GBW

## **PLAINTIFFS' UNOPPOSED MOTION TO STAY DISCOVERY**

Plaintiffs, through undersigned counsel of record, hereby move the Court for an Order holding discovery in this action in abeyance for a period of thirty (30) days. Plaintiffs also respectfully request that the Court postpone the hearing on Plaintiffs' Motion to Compel Discovery from Defendant, currently scheduled for February 13, 2024, and set a status conference within fourteen (14) days of this Motion. In support of this Motion, Plaintiffs state the following:

1. Plaintiff A.E.S.E., a minor, along with Plaintiff Eusebio Daniel Sabillon Paz, her father, brought this action pursuant to the Federal Tort Claims Act (“FTCA”) against Defendant United States of America, alleging that both suffered harm and injuries as a result of their forced separation and mistreatment by government personnel. (ECF No. 1.)

2. On November 1, 2023, the Court held a telephonic status conference at which the status of discovery and the pre-trial schedule were discussed. (ECF No. 153.)

3. On November 3, 2023, the Court entered an order extending pre-trial deadlines, with fact discovery to close on March 22, 2024. (ECF No. 152.)

4. Approximately two months later, the Court set a telephonic status conference for January 18, 2024. At the January 18, 2024 conference, the parties expressed a willingness to engage in a settlement conference with Judge Molzen serving as the mediator. (ECF No. 169.)

5. On February 7, 2024, the parties participated in a Rule 16.2 settlement conference before Magistrate Judge Karen B. Molzen. (ECF No. 173.) “Plaintiffs’ position is that there was a binding offer and acceptance, but that position is disputed by Defendant.” (*Id.*)

6. Given the parties’ current dispute, Plaintiffs respectfully request that discovery in this action be stayed for thirty (30) days to allow the parties to continue discussions regarding this dispute. Staying discovery is in the interest of judicial economy and conserving resources.

7. Plaintiffs respectfully request that the Court postpone the hearing on Plaintiffs’ Motion to Compel Discovery from Defendant, currently scheduled for February 13, 2024, until a later date to allow the parties time to resolve their current dispute, which could moot the need for the hearing.

8. Plaintiffs also respectfully request that the Court set a status conference for a date within fourteen (14) days of the date of this Motion so that the parties can provide an update on the status of their discussions.

9. Plaintiffs have conferred with Defendant, and Defendant has indicated it does not oppose this Motion.

For these reasons, Plaintiffs respectfully move the Court to stay discovery in this action for thirty (30) days and to set a status conference for a date within fourteen (14) days of this Motion.

Respectfully submitted,

February 9, 2024

**By: /s/ Marcela Johnson**

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**By: Approved via e-mail on February 9,  
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*\*Appearing pursuant to D.N.M.LR-Civ.  
83.3(a).*

**CERTIFICATE OF SERVICE**

I certify that on February 9, 2024, I filed the foregoing document electronically through the CM/ECF system, which caused all parties or counsel of record to be served by electronic means.

By: /s/ Marcela Johnson  
Marcela Johnson